APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER NUMBER
	3

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE _____3_____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on _____9/16/97_____ .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) _____63-67_____ is/are pending in the application.

    Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) _____63-67_____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☑ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

    ☐ received.

    ☐ received in Application No. (Series Code/Serial Number) _____.

    ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

    *Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☑ Notice of References Cited, PTO-892

☑ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other_____

Office Action Summary

1.   The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a),

the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered

therein were made absent any evidence to the contrary. Applicant

is advised of the obligation under 37 CFR 1.56 to point out the

inventor and invention dates of each claim that was not commonly

owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103© and

potential 35 U.S.C. 102(f) or '(g) prior art under 35

U.S.C. 103(a).

2.   Claims 63-67 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hamstra et al (4,530,055).

Hamstra et al disclose the invention as claimed, comprising

the steps of: storing data in a cache memory;

determining the time since each data file was last written

into the cache memory; and

moving data file having the longest time since last written

from the cache memory to bulk memory when additional space for

new data files is required in the cache memory. (See, col. 1,

lines 34-38; col. 2, lines 56-60; and col. 38, lines 12-17).

Hamstra et al do not disclose that the bulk memory is a Flash

EEprom memory. However, it would have been a matter of design

choice to a person of ordinary skill in the art, at the time the

invention was made, to use the bulk memory as Flash EEprom memory

or any type of memory for storing data.

3.   Any inquiry concerning this communication or earlier

communications from the examiner should be directed to

Phung My Chung whose telephone number is (703) 305-9686. The

examiner can normally be reached on from to .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
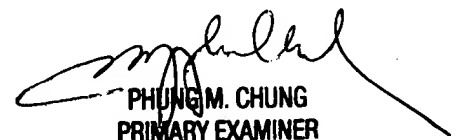
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

PHUNG M. CHUNG
PRIMARY EXAMINER